

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
)	
FIRST GUARANTY MORTGAGE)	Case No. 22-10584 (CTG)
CORPORATION, <i>et al.</i> , ¹)	
)	(Jointly Administered)
Liquidating Debtors.)	
)	Related Docket Nos. 711 and 712

STIPULATION ADJOURNING HEARING

The above captioned Liquidating Debtors and the Liquidating Trustee under the FGMC Liquidating Trust, on the one hand, and *Qui Tam* Plaintiff Kari Crutcher, on the other hand, by and through undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, Ms. Crutcher filed her *Motion to Compel the Production of Requested Insurance Documents* [Docket No. 711] (the “Motion to Compel”) and *Motion for Limited Relief from the Permanent Injunction of the Debtors Confirmed Chapter 11 Plan to Allow Her to File a Motion to Transfer Her Qui Tam Action to the District of Delaware and to Pursue the Qui Tam Action Against the Debtor as Nominal Defendant* [Docket No. 712] (the “Relief from Injunction Motion”, together with the Motion to Compel, the “Crutcher Motions”);

WHEREAS, a hearing on the Crutcher Motions was originally scheduled for January 26, 2023 at 3:00 p.m. (ET) (the “Hearing”);

WHEREAS, in an effort to consensually resolve the Crutcher Motions and avoid the cost, expense and burden of litigation, the Parties have agreed to continue the Hearing on the terms set forth herein.

NOW, WHEREFOR, for good and valuable consideration, the Parties hereby stipulate and agree as follows:

1. The Hearing shall be adjourned for a period of approximately 45 days (the “Adjournment Period”), subject to the Bankruptcy Court’s calendar.
2. During the Adjournment Period, the Liquidating Debtors and/or the Liquidating Trustee shall provide Ms. Crutcher with the following documents:
 - a. Any insurance policy that could potentially or partially cover FGMC’s exposure from the *qui tam* lawsuit in the possession of the Liquidating Debtors or the

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: First Guaranty Mortgage Corporation (9575); and Maverick II Holdings, LLC (5621). The Debtors' mailing address is 5800 Tennyson Parkway, Suite 450, Plano, TX 75024.

FGMC Liquidating Trust, whether the Liquidating Debtors are the named beneficiaries, except that any premiums paid by the Liquidating Debtors will be redacted from such insurance policy;

- b. Any indemnification agreement that could potentially or partially cover the Liquidating Debtors' exposure from the *qui tam* lawsuit. To the degree the Liquidating Debtors and/or the Liquidating Trustee have not already located these documents, the Liquidating Debtors and/or the Liquidating Trustee will conduct a thorough search in the 21 days following execution of this Stipulation for any that do exist and produce those; and
- c. To the extent any request was submitted to an insurer or indemnitor for coverage that could potentially or partially cover the Liquidating Debtors' exposure from the *qui tam* lawsuit, any response to that request received by the Liquidating Debtors from an insurer or an indemnitor that sets forth a basis to deny the Liquidating Debtors coverage

Date: January 25, 2023

<p>By: <u>/s/ Laura Davis Jones</u> Laura Davis Jones, Esq. Timothy P. Cairns, Esq. Mary F. Caloway, Esq. PACHULSKI STANG ZIEHL & JONES LLP 919 North Market Street, 17th Floor P.O. Box 8705 Wilmington, DE 19899 (Courier 19801) Telephone: (302) 652-4100 Facsimile: (302) 652-4400 E-mail: ljones@pszjlaw.com tcairns@pszjlaw.com mcaloway@pszjlaw.com -and-</p> <p>Samuel R. Maizel, Esq. Tania M. Moyron, Esq. DENTONS US LLP 601 S. Figueroa Street #2500 Los Angeles, CA 90017 Telephone: (213) 623-9300 E-mail: samuel.maizel@dentons.com tania.moyron@dentons.com <i>Counsel to Liquidating Debtors and Liquidating Trustee</i></p>	<p>By: <u>/s/ Joseph H. Huston, Jr.</u> Joseph H. Huston, Jr. (No. 4035) STEVENS & LEE, P.C. 919 North Market Street, Suite 1300 Wilmington, Delaware 19801 Telephone: (302) 425-3310 Facsimile: (610) 371-7972 E-mail: joseph.huston@stevenslee.com -and-</p> <p>THOMAS & SOLOMON LLP J. Nelson Thomas, Esquire 693 East Avenue Rochester, NY 14607 Telephone: (585) 272-0540 Email: nthomas@theemploymentattorneys.com <i>Counsel to Kari Crutcher Counsel to Kari Crutcher</i></p>
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